

REMARKS/ARGUMENTS

Claim rejections 35 USC § 103

Claims 1-7 and 12-18 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Bishop et al. (US Patent No. 6,377,782) (hereinafter Bishop) in view of Labun et al. (U.S. Patent No. 6,842,621 B2) (hereinafter Labun). The Applicants respectfully traverse the rejection.

As per Claims 1-7 and 12-18:

Independent Claim 1 recites (emphasis added):

“A method of connecting to a wireless communication access point comprising:

- a) an initiator device broadcasting a first wireless message to a plurality of potential access point devices, said initiator device storing therein a list of recognized device addresses for connecting thereto;
- b) in response to said initiator device broadcasting said first wireless message, said initiator device receiving a plurality of second wireless messages from a set of said plurality of potential access point devices;
- c) said initiator device comparing device addresses of said plurality of second wireless messages for address matches with said list of recognized device addresses;
- d) applying a fitness function to address matches of said c) to determine a single address; and
- e) connecting to an access point device corresponding to said single address.”

Accordingly, an initiator device broadcasts a message to potential access point devices and as a result the initiator device receives a response from potential access point devices.

The Applicants respectfully disagree with the rejection wherein it is proposed that NAID is the initiator. Bishop discloses that the subscriber access interface device receives information from an initiating client device and relays it to the network access interface device, which is further relayed to another subscriber access interface device (see Bishop, col. 7, lines 62-67). Accordingly, the network access interface device is not an initiator device because the network access interface device responds to information, sent by the initiating client device, by relaying that information to another subscriber access interface device. As such, NAID is not an initiator device, as claimed.

Moreover, Bishop does not disclose a limitation whereby an initiator device broadcasts a message, as claimed. Assuming arguendo that NAID is an initiator, Bishop still does not teach the limitation where a message is broadcast, as claimed. Bishop discloses that the subscriber access interface device distributes the information to an appropriate destination client device (see Bishop, col. 7, lines 59-61). Broadcasting a message as claimed differs from sending information to an appropriate destination client device because a broadcast message may be received by many devices whereas information sent to an appropriate destination client device is received by only the appropriate destination client. As such, Bishop does not disclose or suggest the limitation whereby an initiator device broadcasts a message, as claimed.

Furthermore, Bishop does not disclose the limitation whereby the initiator device receives messages from potential access point devices in response to the initiator device broadcasting, as claimed. Bishop discloses that in order to build the local look up table in the network access interface device, the access interface device (NAID) and the network access interface device perform a negotiation where NAID initiates a request when a client device configuration changes (see Bishop, col. 14, lines 35-42). NAID accepts the information and responds (see Bishop, col. 14, lines 49-53).

As discussed above, NAID is not an initiator device as claimed. Furthermore, Bishop does not disclose the limitation whereby the initiator device broadcasts messages as claimed and as discussed above. Since Bishop neither discloses an initiator device nor does it disclose broadcasting messages, then Bishop cannot disclose receiving a response to the initiator device's broadcasting as claimed. Therefore, Bishop does not disclose the limitation whereby the initiator device receiving messages in response to the initiator device broadcasting, as claimed.

The rejection admits that Bishop does not teach all the limitations of the claimed invention. In order to overcome failures of Bishop, the rejection relies on a combination with Labun.

Labun discloses that access points send inquiry messages for receipt by various mobile stations wherein a mobile station in a location where an access

point is present sends a response to the inquiry message by the access point (see Labun, col. 4, lines 43-67).

The cited portion of Labun does not remedy the failures of Bishop discussed above. Moreover, Labun teaches away from the claimed invention because Labun discloses that access points send inquiry messages to mobile stations whereas the limitation of the claimed invention recites that initiator device broadcasts message to potential access points, as claimed.

Therefore, Bishop alone, or in combination with Labun, does not teach or suggest the recited limitations of independent Claim 1. Accordingly, Claim 1 is not rendered obvious under 35 USC 103(a). Independent Claim 12 recites similar limitations as independent Claim 1 and is therefore patentable, under 35 USC 103(a), at least for the same reasons that Claim 1 is patentable. Claims 2-7 and 13-18 depend from independent Claims 1 and 12 respectively and are each patentable over the cited combination at least for the same reasons that their respective independent claims is patentable. As such, allowance of Claims 1-7 and 12-18 is earnestly solicited.

Claims 8-11 and 19-27 were rejected under 35 U.S.C. 103(a) as being allegedly unpatentable over Bishop and Labun, further in view of Calvert (U.S. Patent No. 6,526,275 B1) (hereinafter Calvert). The Applicants respectfully traverse the rejection.

As per Claims 8-11 and 19-22:

Claims 8-11 and 19-22 depend from their independent Claims 1 and 12 respectively and include the limitations of their respective independent claims. The Applicants do not understand Calvert to remedy the failures of Bishop and Labun as discussed above. Therefore, Applicants assert that Claims 8-11 and 19-22 are patentable, under 103 USC 103(a), at least for the same reasons that their independent Claims 1 and 12 are patentable. As such, allowance of Claims 8-11 and 19-22 is earnestly solicited.

As per Claims 23-27:

Independent Claim 23 recites (emphasis added):

“In a wireless communication device having a wireless transceiver and a memory cache comprising a list of access point addresses, a method for updating said list of access point addresses comprising:

- a) connecting said wireless communication device with a network server, said network server comprising a list of current network access point addresses for a network;
- b) comparing said list of access point addresses to said list of current network access point addresses;
- c) adding to said list of access point addresses in said memory cache of said wireless communication device any addresses found on said list of current network access point addresses and not found on said list of access point addresses; and
- d) deleting from said list of access point addresses in said memory cache of said wireless communication device any addresses not found on said list of current network access point addresses and found on said list of access point addresses.”

Calvert discloses a context engine server (see Calvert, col. 4, lines 1-33). The Applicants, however, have found no references in Calvert disclosing a list of current network access point addresses, as claimed.

Moreover, Bishop discloses that to build a look up table the subscriber access interface device and the network access interface device perform a negotiation where the subscriber access interface device initiates a request when a client device configuration changes (see Bishop, col. 14, lines 35-42). The network access interface device accepts the information and determines how it can best and most efficiently support the change and responds to the initiating subscriber access interface device (see Bishop, col. 14, lines 49-53). However, the Applicants do not understand Bishop to teach or suggest comparing list of access point addresses to the list of current network access point addresses, as claimed.

Furthermore, Calvert discloses that product providers may update their information that may include contact information for the providers (see Calvert, col. 8, lines 23-47). The Applicants do not understand Calvert to teach or suggest the recited limitation of the claimed invention of adding and deleting a list of access point addresses depending on whether the access point is found on the current network access point addresses, as claimed.

Therefore, Bishop alone, or in combination with Calvert, does not teach or suggest the recited limitations of independent Claim 23. Accordingly, Claim 23 is

not rendered obvious under 35 USC 103(a). Claims 24-27 depend from independent Claim 23 and are each patentable over the cited combination at least for the same reasons that independent Claim 23 is patentable. As such, allowance of Claims 23-27 is earnestly solicited.

For the above reasons, Applicants request reconsideration and withdrawal of these rejections under 35 U.S.C. §103.

CONCLUSION

In light of the above listed remarks, reconsideration of the rejected claims is requested. Based on the arguments presented above, it is respectfully submitted that Claims 1-27 overcome the rejections of record and, therefore, allowance of Claims 1-27 is earnestly solicited.

Please charge any additional fees or apply any credits to our PTO deposit account number: 23-0085.

Dated: Jan 20th, 2006

Respectfully submitted,
WAGNER, MURABITO & HAO LLP

A handwritten signature in black ink, appearing to read 'A. Tabarrok', is enclosed within a hand-drawn oval.

Amir A. Tabarrok
Registration No. 57,137

WAGNER, MURABITO & HAO LLP
Two North Market Street
Third Floor
San Jose, California 95113

(408) 938-9060 Voice
(408) 938-9069 Facsimile